

-- REMARKS --

Claims 1-49 are currently pending in the application. No amendments have been made by this response. Claims 9, 14, 22, 23 and 49 have been amended. The changes to the amended claims from the previous versions to the rewritten versions are shown above with brackets for deleted matter and underlines for added matter. No new matter has been added as a result of these amendments.

In the outstanding Office Action, claims 14 and 22 have been objected to because of certain informalities. The claims have been amended to correct these informalities.

In the outstanding Office Action, claims 1, 2, 6-21, 23, 26, 28-38 and 41-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,946,440 to Hall (hereinafter "Hall"). Claims 1, 3-5, 22-23 and 39-40 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,389,089 to Bauer et al. (hereinafter "Bauer"). Claims 24-25 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall. The rejections under 35 U.S.C. §§ 102(b) and 103(a) are respectfully traversed.

Independent claims 1, 23, 40 and 49 are each directed to an introducer apparatus comprising a flexible introducer member adapted to be introduced into the patient through an endoscope, a flexible sleeve having a first body portion attached to the introducer member and a second body portion moveable in response to movement of a second member sized for introduction through the introducer member. These claims further require that the second body portion of the sleeve to be eversible from a passageway of the second member such that the second member passageway is substantially unobstructed upon full deployment of the second member. Independent claim 41 is similar, and requires that a substantial part of the flexible sleeve be movably located within an interior portion of the elongated member (i.e., the inner/second member). Independent claim 48 is a method claim, and likewise requires a flexible sleeve with a substantial length of the sleeve disposed in an internal passageway of the elongated member.

Hall is directed to a catheter having a flexible membrane (90) that is fixedly connected between an outer tube (12) and an inner tube (16). However, and as clearly shown in Fig. 3, no portion of the membrane (90) is disposed within a passageway of the inner tube (16). To the contrary, the membrane (90) is fixedly connected to an exterior surface of the inner tube (16). Thus, Hall fails to disclose or suggest a flexible sleeve that is eversible from a passageway of a second/inner member as required by each of the independent claims. Bauer likewise fails to disclose or suggest a flexible sleeve that is eversible from a passageway of a second/inner member. As best seen in Fig. 4, the sleeve (45) is fixedly connected to the outside of the inner member (43).

Accordingly, and for at least the reasons discussed above, independent claims 1, 23, 40, 41, 48 and 49 are patentable over the art of record. The remaining claims are each dependent on one of these independent claims. These dependent claims are therefore likewise patentable for at least the same reasons that the independent claims have been demonstrated above to be patentable. Further discussion of these dependent claims is therefore unnecessary.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicants' undersigned attorney at (312) 321-4273.

Respectfully submitted,



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